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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,492	04/15/2004	James L. Glenn	WDI 8829US	8562
1688	7590	09/19/2006		
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			EXAMINER ELOSHWAY, NIKI MARINA	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/825,492

Applicant(s)

GLENN, JAMES L.

Examiner

Niki M. Eloshway

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sulpizio (U.S. 6,305,567). Sulpizio teaches a bin having a first wall 122, a second wall 118, a third wall 130 and a fourth wall 126. The flexible material is element 112, the stiffness panel is 136 as shown in figure 8.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 8, 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261). Bauernfreund et al. teaches a collapsible bin having first and third wall 20 and second and fourth walls 18. Element 10 is the removable stiffness panel. Bauernfreund et al. does not teach a flexible material attached over the bottom end of the box. Stone teaches that it is known to provide a collapsible bin with a flexible material attached over the bottom end of the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collapsible bin of Bauernfreund et al. with a flexible

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material over the bottom end of the box, as taught by Stone, in order to strengthen the bottom and hold the stiffness panel in place in a more secure manner.

Regarding claim 11, the modified bin of Bauernfreund et al. discloses the claimed invention except for the plurality of fold lines. Stone teaches that it is known to form a bin with a plurality of vertical fold lines (see figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made with a plurality of vertical fold lines, as taught by Stone, in order to allow alternative folding patters.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261), as applied to claim 1 above, and further in view of Thuma et al. (U.S. 6,588,620). The modified bin of Bauernfreund et al. discloses the claimed invention except for the wicker weave material. Thuma et al. teaches that it is known to form a bin from wicker weave material (see col. 1 lines 21-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made of wicker weave material, as taught by Thuma et al., in order to give the bin a decorative appearance.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261), as applied to claim 1 above, and further in view of Shea (U.S. 5,638,979). The modified bin of Bauernfreund et al. discloses the claimed invention except for the extruded polymer sheet material. Shea teaches that it is known to form a container from extruded polymer sheet material (see col. 3 lines 37-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made of extruded polymer sheet material, as taught by Shea, in order to give the bin the strength characteristic of such material.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261), as applied to claim 1 above, and further in view of Ziglar

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(U.S. 5,964,533). The modified bin of Bauernfreund et al. discloses the claimed invention except for the handles. Ziglar teaches that it is known to form a bin with handles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. with handles, as taught by Ziglar, in order to allow the user to grasp the bin more easily.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261) and Ziglar (U.S. 5,964,533). Bauernfreund et al. teaches a collapsible bin having first and third wall 20 and second and fourth walls 18. Element 10 is the removable stiffness panel. Bauernfreund et al. does not teach a flexible material attached over the bottom end of the box or the handles. Stone teaches that it is known to provide a collapsible bin with a flexible material attached over the bottom end of the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collapsible bin of Bauernfreund et al. with a flexible material over the bottom end of the box, as taught by Stone, in order to strengthen the bottom and hold the stiffness panel in place in a more secure manner.

Ziglar teaches that it is known to form a bin with handles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. with handles, as taught by Ziglar, in order to allow the user to grasp the bin more easily.

Regarding claim 14, the modified bin of Bauernfreund et al. discloses the claimed invention except for the plurality of fold lines. Stone teaches that it is known to form a bin with a plurality of vertical fold lines (see figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made with a plurality of vertical fold lines, as taught by Stone, in order to allow alternative folding patterns.

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9. Claims 15-21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261) and Sheng-Bin (U.S. 6,920,993). Bauernfreund et al. teaches a collapsible bin having first and third wall 20 and second and fourth walls 18. Element 10 is the removable stiffness panel. Bauernfreund et al. does not teach a flexible material attached over the bottom end of the box or the first and second closures. Stone teaches that it is known to provide a collapsible bin with a flexible material attached over the bottom end of the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collapsible bin of Bauernfreund et al. with a flexible material over the bottom end of the box, as taught by Stone, in order to strengthen the bottom and hold the stiffness panel in place in a more secure manner.

Sheng-Bin teaches that it is known to form a bin with first and second closures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. with first and second closures of Sheng-Bin, in order to allow access to the cavity via the bottom of the bin.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261) and Sheng-Bin (U.S. 6,920,993), as applied to claim 15 above, and further in view of Thuma et al. (U.S. 6,588,620). The modified bin of Bauernfreund et al. discloses the claimed invention except for the wicker weave material. Thuma et al. teaches that it is known to form a bin from wicker weave material (see col. 1 lines 21-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made of wicker weave material, as taught by Thuma et al., in order to give the bin a decorative appearance.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauernfreund et al. (U.S. 2,485,028) in view of Stone (U.S. 6,224,261), Shea (U.S. 5,638,979), Thuma et al. (U.S. 6,588,620) and Sheng-Bin (U.S. 6,920,993). Bauernfreund et al. does not teach a flexible material attached over the

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bottom end of the box, the polymer extruded sheet, the wicker weave material or the first and second closures.

Stone teaches that it is known to provide a collapsible bin with a flexible material attached over the bottom end of the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collapsible bin of Bauernfreund et al. with a flexible material over the bottom end of the box, as taught by Stone, in order to strengthen the bottom and hold the stiffness panel in place in a more secure manner.

Thuma et al. teaches that it is known to form a bin from wicker weave material (see col. 1 lines 21-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made of wicker weave material, as taught by Thuma et al., in order to give the bin a decorative appearance.

Shea teaches that it is known to form a container from extruded polymer sheet material (see col. 3 lines 37-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. made of extruded polymer sheet material, as taught by Shea, in order to give the bin the strength characteristic of such material.

Sheng-Bin teaches that it is known to form a bin with first and second closures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bin of Bauernfreund et al. with first and second closures of Sheng-Bin, in order to allow access to the cavity via the bottom of the bin.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is cited for the collapsing feature.

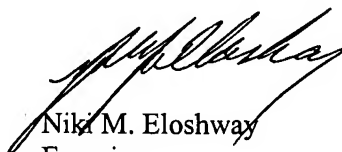
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13. THIS ACTION IS NON-FINAL.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Niki M. Eloshway  
Examiner  
Art Unit 3727

nme